

**126-O-19**

**AN ORDINANCE**

**Allowing Cannabis Dispensaries in Certain Zoning Districts**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** City Code, Title 6 “Zoning”, Subsection 6-18-3, “Definitions”, of the Evanston City Code of 2012, as amended (“City Code”), is hereby further amended to read as follows:

<p>CANNABIS DISPENSARY</p>	<p>A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a registered cultivation center for the purpose of dispensing cannabis, cannabis infused products, paraphernalia, or related supplies and educational materials to purchasers or registered qualifying patients as defined in the Compassionate Use of Medical Cannabis Program and the Cannabis Regulation and Tax Act as it may be amended from time-to-time, and regulations promulgated thereunder.</p>
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**SECTION 2:** City Code Title 6, Chapter 4, “General Provisions”, of the City Code is hereby further amended to add the following subsection:

**6-4-11. – SPECIAL REGULATIONS PERTAINING TO CANNABIS RELATED USES.**

6-4-11-1. Purpose and Applicability: The purpose of this Section 6-4-11 is to ensure new cannabis related uses are integrated with surrounding uses and are compatible in character with the surrounding neighborhood or area of the zoning district in which they are located.

6-4-11-2. Certificate of Zoning Compliance: A certificate of zoning compliance is required prior to any cannabis related use being established.

6-4-11-3. Cannabis Dispensaries

- (A) Special Uses: The approval for cannabis dispensary businesses shall only be allowed as a Special Use in RP, D1, D2, D3, D4, C1a, C1, C2, B1a, B2, B3, and O1 Zoning Districts as well as the oDM, oCSC, and oH Zoning Overlay Districts. Cannabis dispensaries shall be prohibited in all R, B1, M, T, U, I, WE1, and OS zoning districts as well as within any dwelling unit or rooming unit.
- (B) Distance Requirement: Any cannabis dispensary shall not be located within one thousand five hundred (1,500) feet of another cannabis dispensary or within seven hundred fifty (750) feet of a pre-existing public or private educational institution that is an elementary, middle, or high school, as measured from lot line to lot line.
- (C) Distance Requirement Measurement: The distance requirement shall be measured from the nearest property line of each property the cannabis dispensary or educational institution is located on.
- (D) Hours of Operation: Cannabis Dispensaries shall only be permitted to operate between the hours of 10:00 a.m. and 8:00 p.m. seven days out of the week.

**SECTION 3:** Subsection 6-12-2-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-12-2-3. – SPECIAL USES.**

The following special uses may be permitted in the RP district, subject to the provisions set forth in Section 6-3-5 of this Title:

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Craft alcohol production facility.

Open sales lot.

Outdoor storage.

Performance entertainment venue.

Planned developments (subject to the requirements of Section 6-3-6 of this Title and Section 6-12-1-7 of this Chapter).

Resale establishment.

Restaurants—Type 2.

Urban farm, rooftop

**SECTION 4:** Subsection 6-11-2-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-11-2-3. – SPECIAL USES.**

The following uses may be allowed in the D1 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility.

Long term care facility.

Neighborhood garden.

Open sales lot.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Retirement home.

Retirement hotel.

Sheltered care home.

Transitional shelter (subject to the special requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 5:** Subsection 6-11-3-4, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-11-3-4. - SPECIAL USES.**

The following uses may be allowed in the D2 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial indoor recreation (at the ground level).

Convenience store.

Craft alcohol production facility.

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Educational institution—Private.

Educational institution—Public.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2 (excluding drive-through facilities).

Urban farm, rooftop.

**SECTION 6:** Subsection 6-11-4-3, “Special Uses”, of the City Code is

hereby further amended to read as follows:

**6-11-4-3. - SPECIAL USES.**

The following uses may be allowed in the D3 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Apartment hotel.

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Urban farm, rooftop.

**SECTION 7:** Subsection 6-11-5-3, “Special Uses”, of the City Code is

hereby further amended to read as follows:

**6-11-5-3. – SPECIAL USES.**

The following uses may be allowed in the D4 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial parking garage.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Urban farm, rooftop.

**SECTION 8:** Subsection 6-10-3-3, “Special Uses”, of the City Code is

hereby further amended to read as follows:

**6-10-3-3. - SPECIAL USES.**

The following uses may be allowed in the C1a district, subject to the provisions set forth in Section 6-3-5 of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Drive-through facility (accessory only).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Long-term care facility.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Recording studio.

Resale establishment.

Residential care home—Category I (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Residential care home—Category II (subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Retirement hotel.

Sheltered care home.

Transitional shelter (subject to the requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.



Wholesale goods establishment.

**SECTION 9:** Subsection 6-10-4-3, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-10-4-3. - SPECIAL USES.**

The following uses may be allowed in the C2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Automobile body repair establishment.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Car wash.

Commercial parking garage.

Commercial parking lot.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Payday loan or consumer loan establishment (subject to the distance and general requirements set forth in Section 6-18-3, "Definitions," of this Title under "Payday Loan or Consumer Loan Establishment").

Planned development (subject to the requirements of Section 6-10-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Resale establishment.

Restaurant—Type 2.

Urban farm, rooftop.

**SECTION 10:** Subsection 6-10-2-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-10-2-3. - SPECIAL USES.**

The following uses may be allowed in the C1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Car wash.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Funeral services excluding on-site cremation.

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Restaurant—Type 2.

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Wholesale goods establishment.

**SECTION 11:** Subsection 6-9-5-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-9-5-3. – SPECIAL USES.**

The following uses may be allowed in the B1a business district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Banquet hall.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.  
Daycare center—Adult.  
Daycare center—Child.  
Daycare center—Domestic animal.  
Drive-through facility (accessory or principal).  
Dwelling—Multiple-family.  
Food store establishment.  
Funeral services, excluding on-site cremation.  
Independent living facility.  
Kennel.  
Membership organization.  
Micro-Distillery.  
Planned development.  
Public utility.  
Resale establishment.  
Restaurant—Type 2.  
Trade contractor (provided there is no outside storage).  
Urban farm, rooftop.  
Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.  
Vocational training facility.

**SECTION 12:** Subsection 6-9-3-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-9-3-3. - SPECIAL USES.**

The following uses may be allowed in the B2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare center—Child (subject to the general requirement of Section 6-4-2, "Child Daycare Homes," of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Resale establishment.

Residential care home—Category II (subject to the requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Restaurant—Type 2.

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional treatment facility—Category III (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Urban farm, rooftop.

Uses permitted pursuant to Sections 6-9-3-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

**SECTION 13:** Subsection 6-9-4-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-9-4-3. - SPECIAL USES.**

The following uses may be allowed in the B3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Automobile service station.

Banquet hall.

Boarding house.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Commercial outdoor recreation.

Commercial parking lots.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare center—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Recording studio.

Religious institution.

Resale establishment.

Residential care home—Category II (subject to the requirements of Section 6-4-4, "Residential Care Homes and Child Residential Care Homes," of this Title).

Restaurant—Type 2 (excluding accessory drive-through facilities).

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional shelters (subject to the requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

Transitional treatment facility—Category III (subject to the requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

Urban farm, rooftop.

**SECTION 14:** Subsection 6-15-2-3, "Special Uses", of the City Code is

hereby further amended to read as follows:

**6-15-2-3. - SPECIAL USES.**

The following uses may be allowed in the O1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Banquet hall.

Business or vocational school.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Child daycare centers.

Commercial indoor recreation.

Commercial parking garage.

Commercial parking lot.

Drive-through facility (accessory only).

Dwelling, multiple-family.

Media broadcasting station.

Open sales lot.

Planned development (subject to the requirements of Section 6-15-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Retail goods establishment.



Retail services establishment.

Urban farm, rooftop.

**SECTION 15:** Subsection 6-15-10-7, "Special Uses", of the City Code is hereby further amended to read as follows:

**6-15-10-7. - SPECIAL USES.**

The following uses may be allowed in the oH district subject to the general provisions set forth in Section 6-3-5 of this Title, and the special provisions contained herein:

Any expansion or change in a hospital service or program causing the average number of patients treated daily at such hospital as reported in the current annual hospital report to exceed by ten percent (10%) the average daily number of patients treated in 1978: Evanston Hospital, 1070; St. Francis Hospital, 702.

Any new construction that constitutes a physical expansion to the gross floor area of any hospital building.

Cannabis Dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Clinics, provided they shall not be used for the private, for-profit practice of medicine.

Commercial parking garage.

Daycare centers - adult (subject to the general requirements of Section 6-4-3 of this Title).

Daycare centers - child (subject to the general requirements of Section 6-4-2 of this Title).

Heliports (hospital).

Private utility substations and transmission facilities.

Short-term residential facilities operated by a hospital.

Staff examination rooms provided they shall not be used for the private, for-profit practice of medicine.

**SECTION 16:** Subsection 6-15-14-7, "Active Ground Floor Uses", of the City Code is hereby further amended to read as follows:

**6-15-14-17. – ACTIVE GROUND FLOOR USES.**

	Allowed In:		
USES:	B1A (Subareas 4, 5, and 6)	O1 (Subarea 3)	C2 (Subarea 7)
Cannabis Dispensary	S	S	S

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 17:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 18:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable 126-O-19 shall be in full force and effect after its passage and approval.

**SECTION 19:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 14, 2019

Approved:

Adopted: October 28, 2019

November 4, 2019

Stephen H. Hagerty  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Eduardo Gomez  
~~Devon Reid, City Clerk~~  
Eduardo Gomez, Deputy City Clerk

Michelle L. Masoncup  
Michelle L. Masoncup, Corporation  
Counsel